

**BY ORDER OF THE COMMANDER
AIR FORCE RESERVE COMMAND**



**AIR FORCE RESERVE COMMAND
INSTRUCTION 36-114**

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Personnel

***PROCEDURES ON AIR RESERVE
TECHNICIANS (ARTS) WHO LOSE
ACTIVE MEMBERSHIP IN THE
RESERVE***

COMPLIANCE WITH THIS PUBLICATION IS MANDATORY

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This instruction implements AFD 36-1, *Appropriated Funds Civilian Management and Administration*. It outlines provisions necessary to administer program requirements for Air Reserve Technicians (ART) who lose active membership in the Air Force Reserve Command (AFRC) unit of assignment for any reason. It applies to all ART employees, organizations to which ART officers are assigned, and to their servicing Force Support Unit and Civilian Personnel Flight (CPF). It should be used in conjunction with applicable public laws, 10 U.S.C. 10216 – 10218 and 38 U.S.C. Chapter 43, *The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994*. It should also be used in conjunction with DoD Directive 1205.18, *Full-Time Support (FTS) to the Reserve Components*, DoD Priority Placement Program (PPP) Operations Manual, AFD 36-1, AFI 36-704_AFRCSUP, *Discipline and Adverse Actions*; AFI 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, AFRCI 36-201, *Air Reserve Technician (ART) Officer--Extension to Mandatory Separation Date (MSD)*; AFI 36-2110, *Total Force Assignments*; AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Member*; AFMAN 41-210, *TRICARE Operations and Patient Administration*; and AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*. This instruction is not applicable to the Air National Guard (ANG). Ensure that all records created as a result of processes prescribed in this publication are maintained in IAW Air Force Manual (AFMAN) 33-363, *Management of Records*, and disposed of IAW Air Force Records Information System (AFRIMS) Records Disposition Schedule (RDS). Refer

recommended changes and conflicts between this and other publications to the Office of Primary Responsibility (OPR) at HQ AFRC/A1CE, 555 Richard Ray Blvd, Robins AFB, GA 31098-1635, using the AF Form 847, *Recommendation for Change of Publication*; route AF Form 847s from the field through the appropriate functional's chain of command. This publication may not be supplemented or further implemented/extended. The authorities to waive wing/unit level requirements in this publication are identified with a Tier ("T-0, T-1, T-2, T-3") number following the compliance statement. See AFI 33-360, *Publications and Forms Management*, for a description of the authorities associated with the Tier numbers. Submit requests for waivers through the chain of command to the appropriate Tier waiver approval authority, or alternately, to the Publication OPR for non-tiered compliance items. The use of the name or mark of any specific manufacturer, commercial product, commodity, or service in this publication does not imply endorsement by the Air Force.

SUMMARY OF CHANGES

This revision provides updated references and further clarifies the procedures for handling ARTs who lose active membership in their respective reserve unit.

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1. Concept of an ART. The Air Force and the Office of Personnel Management (OPM) have agreed that an ART must:

- 1.1. Meet Air Force physical and military assignment requirements for the reserve position to which assignment is made.
- 1.2. Maintain active membership in the Air Force Reserve unit in which the position is authorized.
- 1.3. Be assigned militarily to the designated ART position.

2. ART. ARTs are full-time civilian employees who are also active members of the Air Force Reserve unit in which they are employed. In addition to their civilian assignments, they are assigned to equivalent positions in the reserve organization with a reserve military rank or grade. They play vital roles in the combat readiness of their reserve unit by training other reservists and serving as mobilization assets when the unit is mobilized.

3. Loss of Active Membership in the Reserve. Active membership in the applicable reserve unit is a condition of civilian employment. Loss of active membership in the Reserve could be for all ART positions or only for the current ART position of assignment. Such loss may result in the involuntary removal from Federal employment for failure to maintain a basic condition of employment for an ART position. The four main categories of loss of active membership in the Reserve are:

3.1. Officer Mandatory Separation Date (MSD) Program (First Category). ART officers who lose active membership in the Reserve due to reaching their reserve/military MSD face mandatory removal from their ART position. This program helps to ensure military mission capability. Assuming age and length of service requirements are met, such individuals would be eligible for discontinued service retirement (DSR) from their civilian position following the involuntary removal. Eligibility for DSR is based on age and years of potentially creditable service.

3.2. Enlisted High-Year-of-Tenure (HYT) Program (Second Category). ART enlisted members who lose active membership in the Reserve due to reaching their reserve/military HYT date face mandatory removal from their ART position. This program helps to ensure military mission capability. ART reserve/military HYT dates are set at the later of the member's military pay date plus 33 years or the date the ART attains eligibility for optional civil service retirement based on age and years of potentially creditable service. In rare cases an ART may reach age 60 prior to reaching pay date plus 33 years or reaching eligibility for optional civil service retirement. In this case the ART's High Year of Tenure Date (HYTD) is set at one day prior to age 60, IAW AFI 36-2606. In some cases, enlisted ARTs may reach age 60 and be militarily retired (losing active membership in the Reserve) before accruing 20 years of potentially creditable service for civilian retirement. In those cases, they are continued in the Part A (civilian) position until reaching civilian optional retirement eligibility (based on age and years of potentially creditable service) or being affected by the separation requirements described in [paragraph 3.6.2](#), whichever occurs first. These members should be coded in the personnel system as "G" in the Assigned ART ID field. These members are not Non-Dual Status Technicians (NDSTs) by definition. These members are only retained IAW the NDST procedures as outlined in [3.6.2](#).

3.3. Voluntary or Within the Individual's Control (Third Category). This term has unique meaning in the ART program and should not be confused with the dictionary definition. The term means a loss of active membership in the applicable reserve unit or position of assignment that includes, but is not limited to, those situations that follow. Additional situations may be added through policy letter or subsequent revision to this instruction.

3.3.1. Failure to reenlist or reenlistment denied.

3.3.2. Fraudulent enlistment.

3.3.3. Ineptitude, unsuitability, unfitness, misconduct, or inefficiency, or any other reasons specified for discharge of officers or enlisted members in AFI 36-3209.

3.3.4. Resignation or voluntary retirement from the Reserve (unless resignation or retirement is in lieu of a military medical disqualification beyond the individual's control and the employee has been notified of pending reserve separation).

3.3.5. Failure to participate in prescribed reserve activities.

3.3.6. Reassignment as inactive member of the Reserve for unsatisfactory participation or failure to meet standards.

3.3.7. Mental conditions or physical conditions, such as being overweight, which authorized military medical personnel consider within the individual's control.

3.3.8. Failure to be promoted to the grade of first lieutenant, or being twice deferred for promotion to captain, major, or lieutenant colonel.

3.3.9. Enlisted ARTs who become commissioned officers.

3.3.10. Accepting a military assignment to a non-ART reservist position.

3.3.11. Accepting military promotion to the grade of colonel (O-6) when it exceeds the military grade authorized for the ART position of assignment.

3.3.12. Voluntary military retirement while on an active duty tour (AGR).

3.4. Involuntary or Beyond the Individual's Control (Fourth Category). The only situation covered by this term involves ARTs who lose active reserve status as a result of being found unfit for continued military service (retention) via the applicable Disability Evaluation System (DES) process as prescribed in AFMAN 41-210 and AFI 36-3212, for reasons that military medical personnel determine to be beyond the individual's control. ARTs in this situation who are physically/medically qualified to perform the duties of the civilian part (Part A) of the ART position and are not immediately eligible for a civil service annuity unreduced due to age or years of potentially creditable service may be retained in the civilian part (Part A) of the ART position IAW the procedures in [paragraphs 3.6](#) and [paragraph 4.4](#), below. An agency medical authority, i.e. at a base or contract facility, must make the determination as to whether or not the individual is medically qualified to perform the civilian duties. **Note:** Only the Flight Surgeon has the authority to determine the medical/physical ability of a member whose civilian duty requires the member to maintain flying status. The Flight Surgeon's determination will apply to both the military and civilian duties of the ART position.

3.4.1. The military (Part B) of the ART position for a member who is determined to be eligible for retention in the civilian (Part A) of the assigned ART position, may be temporarily filled by a Traditional Reservist for the period covering the ARTs retention.

3.4.2. Members who are immediately eligible for a civil service annuity unreduced due to age or years of potentially creditable service are subject to immediate initiation of removal action and are not considered for retention IAW the procedures in [paragraphs 3.6](#) and [paragraph 4.4](#).

3.5. Military Technicians Who Lose Active Reserve Membership Due to a Combat Related Disability. Technicians who lose active Reserve membership due to a combat related disability will be retained in the civilian part (Part A) of the ART position as a Non-Dual Status Technician (NDST) until reaching eligibility for a civil service retirement unreduced due to age or years of potentially creditable service, regardless of date hired as a military technician, providing the Agency civilian medical authority determines they are physically/medically qualified to perform the duties of the civilian part (Part A) of the ART position. **Note:** Only the Flight Surgeon has the authority to determine the medical/physical ability of a member whose civilian duty requires the member to maintain flying status. The Flight Surgeon's determination will apply to both the military and civilian duties of the ART position.

3.6. Non-Dual Status Technician (NDST). Term for employees who meet the conditions in [paragraph 3.4](#) or [paragraph 3.5](#) and are retained on the civilian part of their ART positions despite the loss of active membership in the Reserve. NDSTs are subject to the mandatory separation provisions of 10 U.S.C. 10218 as well as the separation provisions based on failure to maintain active membership in the Reserve that are described in [paragraph 3.6.2](#) (see [paragraph 3.5](#) for NDSTs who lose active reserve membership due to a combat related disability). NDST does not apply to ARTs affected by officer mandatory separation or enlisted high year of tenure.

3.6.1. NDSTs are notified of conditions under which they are being retained in the civilian part of the ART position by providing the employee a memorandum notifying the employee of their retention as a NDST. Employees covered by [paragraph 3.4](#) and [paragraph 3.5](#) must be found medically/physically qualified to perform the civilian duties of the ART position in order to be eligible for retention as a NDST. See [paragraph 3.4](#), [paragraph 3.5](#) and [paragraph 4.4](#) for the appropriate procedures to follow.

3.6.2. NDSTs are separated IAW 10 U.S.C. 10218 and command policy as outlined in the following rules initially contained in the National Defense Authorization Act (NDAA) of 2000.

3.6.2.1. NDSTs first hired as an ART or military reserve technician (dual status) on or before 10 February 1996 must be separated no later than 30 days after attaining eligibility for civil service retirement unreduced due to age or years of potentially creditable service. This date will depend on whether the employee is covered by Civil Service Retirement System (CSRS) or Federal Employment Retirement System (FERS). OPM has determined the earliest eligibility for CSRS employees or FERS employees with a CSRS component is reached at age 55 with 20 years of service or age 62 with 5 years of service. FERS employees reach eligibility at age 50 with 20 years of service, any age with 25 years of service, or age 62 with 5 years of service.

3.6.2.2. NDSTs first hired as an ART or military reserve technician (dual status) after 10 February 1996 must be separated no later than one year after loss of active membership in the Reserve, if ineligible for a civil service retirement unreduced due to age or years of potentially creditable service at the time dual status is lost. If eligible for a civil service retirement unreduced due to age or years of potentially creditable service as discussed in [paragraph 3.6.2.1](#), the NDST must be separated no later than 30 days after loss of active membership in the Reserve. If an NDST is ineligible for a civil service retirement unreduced due to age or years of service at the time active membership in the Reserve is lost, but becomes eligible within 11 months, the NDST must be separated no later than 30 days after becoming eligible for a civil service retirement unreduced due to age or years of service.

3.7. Determining Eligibility for Civil Service Retirement. All service that is potentially creditable for civilian retirement will be considered in eligibility determinations, even though deposits for some service may be required. For example, all FERS or CSRS covered service, all active duty military service, refunded CSRS service, and temporary service prior to 1989 is potentially creditable. Although creditable toward a CSRS retirement, temporary service after 1988 can never be credited toward a FERS retirement and would not be counted when determining FERS eligibility dates. Employees are responsible for ensuring that all service is

actually creditable by making any required deposits. Failure to ensure all necessary deposits are made will not extend the date of an employee's separation from the civilian ART position.

4. Effect of Loss of Active Membership in the Reserve. The processes applicable to ARTs who lose active membership in the applicable reserve unit for any reason are:

4.1. Officer MSD Program ([paragraph 3.1](#)). Officers must ensure they are registered in the DoD PPP, by HQ AFRC/A1CSA, to avail themselves of AFRC's intent to provide them with a one-year registration period prior to their separation. However, failure to be registered one year prior to a member's MSD will not extend the date of separation. Separation is normally effected on the officer's MSD but NLT 30 days after the MSD regardless of the length of registration. Placement for members registered in the DoD PPP will be administered in accordance with guidance in the DoD PPP Handbook.

4.2. Enlisted HYT Program ([paragraph 3.2](#)). Enlisted members must ensure they are registered in the DoD PPP, by the servicing Civilian Personnel Flight (CPF), to avail themselves of AFRC's intent to provide them with a one-year registration period prior to their separation. However, failure to be registered one year prior to a member's HYT date will not extend the date of separation. Separation is normally effected on the member's HYT date but NLT 30 days after the HYT date regardless of the length of registration. Placement for members registered in the DoD PPP will be administered in accordance with guidance in the DoD PPP Handbook.

4.3. Voluntary or Within the Individual's Control ([paragraph 3.3](#)). Members face immediate initiation of removal action. Although not entitled to any type of priority consideration, management may consider such employees for possible placement in non-ART vacant positions, for which they qualify, within the unit. Pay retention is not appropriate. Placement efforts must not, however, delay removal from the ART position.

4.4. Involuntary or Beyond the Individual's Control ([paragraph 3.4](#)). Members should be treated according to their date of first hire into an ART or military reserve technician (dual status) position. Members retained as NDSTs or IAW the NDST procedures should be coded in the Assigned ART ID field of the civilian data system based on the appropriate designator. (B – NDST initially hired dual-status on or before 10 Feb 96; D – NDST initially hired after 10 February 1996; G – Former enlisted dual status technician who is militarily retired at age 60 and continued in the civilian part of the ART position IAW [paragraph 3.2](#)).

4.4.1. Members who are retained as or IAW the NDST procedures are eligible for registration in the DoD PPP for Air Force activities in their local commuting area one year prior to the separation date determined IAW [paragraph 3.6.2](#). Registration is voluntary. Members must ensure they are registered in the DoD PPP, by the servicing Civilian Personnel Flight (CPF), to avail themselves of AFRC's intent to provide them with a one-year registration period prior to their separation. They remain as NDSTs until affected by the separation provisions of [paragraph 3.6.2](#). Declination of a valid offer precludes them from further consideration for placement that otherwise would have been provided under this instruction. For members (enlisted and officer) meeting the eligibility requirements for retention in the ART position, as to which reserve status was lost due to military medical disqualification, registration in the DoD PPP is accomplished by the servicing CPF, upon the members request.

4.5. In any of the above situations where employees are registered in the DoD PPP, registration is in accordance with the DoD PPP Handbook. Registration may continue for one year after separation so long as the employee (1) has not applied for optional civil service retirement and (2) is not receiving civil service retirement benefits.

4.6. Before assigning a medically disqualified ART to NDST under **paragraph 4.4**, unit commanders/senior ARTs will ensure the appropriate personnel actions are taken in the following order:

4.6.1. Assign the employee to an equivalent non-ART civilian position, in the unit, for which otherwise qualified.

4.6.2. Offer the individual a lower-grade non-ART civilian position, in the unit, acceptable to the employee and for which otherwise qualified. Pay retention is appropriate for this type of action.

4.6.3. Consider waiver of qualification requirements under applicable regulatory directives for actions listed above.

4.7. If the ART is not medically qualified to perform the civilian duties, the ART is treated in the same manner as any civilian employee who is medically unable to perform. Generally, ART positions are not reworked for accommodation purposes due to the military mission necessity for the duties as described.

4.8. Loss of Reserve Status in Conjunction with Restoration Rights under USERRA. ART employees who are eligible for the statutory restoration rights provided by USERRA upon completion of a period of military service, but have lost active membership in the Reserve during the tour, are treated in the same manner as if they had not left the ART position.

4.8.1. Employees who lose their military status while on military duty due to a voluntary action are not entitled to continuing employment under USERRA. They may exercise their restoration rights, but face immediate initiation of removal action upon restoration for failure to maintain a condition of employment IAW **paragraph 3.3** and **paragraph 4.3**. For example, an ART while away from the civilian position performing military duty and lost active membership in the Reserve for reasons within his or her control under **paragraph 3.3** would be returned to an ART position for a minimum of 30 days during which time removal action would be initiated.

4.8.2. Employees who are restored and subsequently fail to maintain eligibility for active membership in the Reserve because of a voluntary action for reasons within their control (see **paragraph 3.3**) are not entitled to continued employment (i.e. they are not entitled to protection from removal after restoration under Section 4316 of USERRA). They face immediate initiation of removal action for failure to maintain a condition of employment. For example, an ART who was restored from a period of military service and lost his or her active membership in the Reserve six months later for failure to participate in prescribed reserve activities would face removal action for failure to maintain a condition of employment.

4.8.3. Employees on military duty who lose their military status for medical disqualification are treated as though they never left their ART employment. Refer to **paragraph 3.4** and **paragraph 4.4** for involuntary actions determined to be beyond the

individual's control. For example, an ART assigned who lost active membership in the Reserve for medical reasons while on tour, would be restored as a NDST if not immediately eligible for a civil service retirement unreduced due to age and years of potentially creditable service and is found to be medically fit to perform the civilian duties of that position.

5. Adverse Action Procedures:

5.1. Loss of Status Based on HYTD/MSD. CPF should prepare a notice of proposed removal not later than ninety (90) days prior to the employee's HYTD/MSD. After the required reply period ends, the CPF prepares a notice of decision to remove. Decision notices should be provided in ALL cases – even those in which the ART is eligible for an optional civil service retirement. Except on rare occasions the effective date of separation should coincide with the employee's HYTD/MSD. Both notices must be coordinated with HQ AFRC/A1CE IAW AFI 36-2110. **Note:** Actions should not be issued to an employee any earlier than 120 days in advance of the employee's HYTD/MSD.

5.2. Loss of Status Based on Military Medical Disqualification. Providing the employee is eligible for an unreduced annuity based on age and years of potentially creditable service the CPF should prepare a notice of proposed removal as soon as the effective date of the employee's loss of reserve status is known. Decision notices should be provided as soon as possible after the reply period ends. The effective date of separation should be no earlier than 30 days after the employee receives the notice of proposed separation or the date the employee loses reserve status, whichever is later. The effective date of separation should, when possible, coincide with the date the employee loses reserve status. Decision notices should be provided in ALL cases – even those in which the ART has applied for civil service retirement. Both notices must be coordinated with HQ AFRC/A1CE IAW AFI 36-2110.

5.3. Loss of Status Based on Reasons Deemed to be Within the Individual's Control. CPF should prepare a notice of proposed removal as soon as the effective date of the employee's loss of reserve status is known. After the required reply period ends, the CPF prepares a notice of decision to remove. The effective date of separation should be no earlier than 30 days after the employee receives the notice of proposed separation or the date the employee loses reserve status, whichever is later. The effective date of separation should, when possible, coincide with the date the employee loses reserve status. Decision notices should be provided in ALL cases – even those in which the ART is eligible for a civil service retirement. Both notices must be coordinated with HQ AFRC/A1CE IAW AFI 36-2110.

5.4. Loss of Status Based on Expiration of NDST Retention. CPF should prepare a notice of proposed removal not later than ninety (90) days prior to the employee's NDST retention date. After the required reply period ends, the CPF prepares a notice of decision to remove. Decision notices should be provided in ALL cases – even those in which the ART is eligible for a civil service retirement. Except on rare occasions the effective date of separation should coincide with the expiration of the employee's NDST retention date. Both notices must be coordinated with HQ AFRC/A1CE IAW AFI 36-2110.

6. Responsibilities:

6.1. The servicing AFRC Force Support Unit notifies the appropriate Civilian Personnel Flight (CPF) when, for any reason, an ART loses or is about to lose active membership in the Reserve.

The servicing AFRC Force Support Unit (FSU) also notifies the appropriate CPFs fourteen (14) months in advance of an enlisted ART's HYT date IAW AFI 36-2606, paragraph 8.6. FSU and CPF jointly establish local procedures for this purpose.

6.2. ART unit commanders/senior ARTs, Force Support Units, and CPFs jointly determines if loss of active membership in the Reserve is within an individual's control, consistent with this instruction. Refer questionable cases to HQ AFRC/A1CE for a decision.

RICHARD W. SCOBEE, Lt Gen, USAF
Commander

Attachment 1**GLOSSARY OF REFERENCES AND SUPPORTING INFORMATION*****References***

AFPD 36-1, *Appropriated Funds Civilian Management and Administration*, 18 March 2019

AFI 33-360, *Publications and Forms Management*, 01 December 2015

AFI 36-2110, *Total Force Assignments*, 05 October 2018

AFI 36-2606, *Reenlistment and Extension of Enlistment in the United States Air Force*, 20 September 2019

AFI 36-3209, *Separation and Retirement Procedures for Air National Guard and Air Force Reserve Members*, 14 April 2005

AFI 36-3212, *Physical Evaluation for Retention, Retirement, and Separation*, 15 July 2019

AFMAN33-363, *Management of Records*, 01 March 2008

AFMAN 41-210, *TRICARE Operations and Patient Administration*, 10 September 2019

AFI 36-704_AFRCSUP, *Discipline and Adverse Actions of Civilian Employees*, 09 May 2019

AFRCI 36-201, *Air Reserve Technician (ART) Officer--Extension to Mandatory Separation Date (MSD)*, 6 August 2015

DoD Directive 1205.18, *Full-Time Support (FTS) to the Reserve Components*, 12 May 2014

DoD Priority Placement Program (PPP) Operations Manual, July 1998

Civilian Personnel Air Reserve Technician (ART) Handbook, 1 April 2019

38 U.S.C. Chapter 43, *The Uniformed Services Employment and Reemployment Rights Act (USERRA) of 1994*

10 U.S.C. Sec. 10216, *Military technicians (dual status)*

10 U.S.C. Sec. 10217, *Non-dual status technicians*

10 U.S.C. Sec. 10218, *Army and Air Force Reserve technicians: conditions for retention; mandatory retirement under civil service laws*

Prescribed Forms

None

Adopted Forms

AF Form 847, *Recommendation for Change of Publication*

Abbreviations and Acronyms

AF—Air Force

AFRC—Air Force Reserve Command

AGR—Air Guard Reserve

ANG—Air National Guard

ART—Air Reserve Technician

CPF—Civilian Personnel Flight

CSRS—Civil Service Retirement System

DoD—Department of Defense

DSR—Discontinued Service Retirement

FERS—Federal Employee Retirement System

FSU—Force Support Unit

FTS—Full Time Support

HYT—High-Year-of-Tenure

MPS—Military Personnel Section

MSD—Mandatory Separation Date

NDAA—National Defense Authorization Act

NDST—Non-Dual Status Technician

OPM—Office of Personnel Management

PPP—Priority Placement Program

USERRA—Uniformed Services Employment and Reemployment Rights Act

Terms

Air Reserve Technician (ART)—ARTs are full-time civilian employees who are also active members of the Air Force Reserve unit in which they are employed. In addition to their civilian assignments, they are assigned to equivalent positions in the reserve organization with a reserve military rank or grade. They play vital roles in the combat readiness of their reserve unit by training other reservists and serving as mobilization assets when the unit is mobilized.

Military Technician (Dual Status)—a Federal civilian employee who is (1) employed under Title 5, Section 3101 (2) is required as a condition of civilian employment to maintain membership in the Selected Reserve; and (3) is assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve or the armed forces.

Non-Dual Status Technician (NDST)—Term for dual status employees who have lost status due to a military medical disqualification, are not immediately eligible for an unreduced annuity due to age and years of potentially creditable service, and who are found medically/physical qualified to perform the duties of the ART position as to which reserve status was lost.

Potentially Creditable Service—Service that is creditable toward an employee's civilian retirement whether or not the necessary deposits have been made to ensure all service is creditable toward civilian retirement eligibility.

Valid Offer—For ARTs, a valid offer is an offer of assignment to a non-ART position at any grade level or Air Force activity for which registered in the Department of Defense (DoD) Priority Placement Program (PPP). If the employee refuses a valid offer, he or she is precluded from further consideration for placement that otherwise would have been provided under this instruction.